

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Carlos Alberto Gutierrez

v.

Case No. 23-cv-138-LM

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 29, 2023. For the reasons explained therein, the respondent's motion to dismiss (Doc. No.5) is granted. "'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk is directed to enter judgment and close this case.



Landya E. McCafferty
Chief Judge

Date: January 22, 2024

cc: Carlos Alberto Gutierrez, pro se
Terry L. Ollila, Esq.